

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROB JOSEPH SIMMONS,

Petitioner,

v.

MAGUIRE CORRECTIONAL
FACILITY OF SAN MATEO
COUNTY, et al.,

Respondents.

No. C 14-00528 EJD (PR)

ORDER OF DISMISSAL

On February 4, 2014, Petitioner filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. (Docket No. 9.) Petitioner's motion for leave to proceed in forma pauperis, (Docket No. 2), was denied on July 16, 2014, for failure to show an adequate level of poverty. (Docket No. 8.) Petitioner was directed to pay the \$5.00 filing fee within twenty-eight days of the order. On August 1, 2014, the Court's order was returned as undeliverable with a notation that the Plaintiff was no longer at his last known address. (Docket No. 10.) As of the date of this order, Petitioner has not filed a notice of change of address or submitted any further pleadings in this case.

Pursuant to Northern District Local Rule 3-11 a party proceeding pro se whose address changes while an action is pending must promptly file a notice of change of address specifying the new address. See L.R. 3-11(a). The Court may, without prejudice,

1 dismiss a complaint when: (1) mail directed to the pro se party by the court has been
2 returned to the court as not deliverable, and (2) the court fails to receive within sixty days
3 of this return a written communication from the pro se party indicating a current address.
4 See L.R. 3-11(b).

5 More than sixty days have passed since the mail directed to Petitioner by the Court
6 was returned as undeliverable. The Court has not received a notice from Petitioner of a
7 new address. Accordingly, the instant habeas action is DISMISSED without prejudice
8 pursuant to Rule 3-11 of the Northern District Local Rules. The Clerk shall terminate all
9 pending motions and close the file.

10
11 DATED: 10/3/2014


EDWARD J. DAVILA
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

ROBERT JOSEPH SIMMONS,
Petitioner,

Case Number: CV14-00528 EJD

CERTIFICATE OF SERVICE

v.

MAGUIRE CORRECTIONAL FACILITY OF
SAN MATEO, et al.,

Respondents.
_____ /

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 10/3/2014, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Rob Joseph Simmons #1061745
Metropolitan State Hospital
11401 Bloomfield Avenue
Norwalk, CA 90650

Dated: 10/3/2014

Richard W. Wieking, Clerk
/s/ By: Elizabeth Garcia, Deputy Clerk